



General Assembly

Substitute Bill No. 323

February Session, 2012

* ____SB00323PS____031512____ *

AN ACT CONCERNING CRANE OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-221 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 As used in this chapter and sections 2 and 9 of this act: (1) "Board"
4 means the Examining Board for Crane Operators established under
5 section 29-222, as amended by this act; (2) "commissioner" means the
6 Commissioner of Construction Services; (3) "crane" means [(A) a tower
7 crane used in construction, demolition or excavation work, (B) a
8 hydraulic crane, (C) a power-operated derrick, or (D) a mobile crane
9 which is a mobile, carrier-mounted, power-operated hoisting machine
10 utilizing a power-operated boom which moves laterally by rotation of
11 the machine on the carrier and which has a manufacturers' maximum
12 rated capacity exceeding five tons] power-operated equipment that can
13 hoist, lower and horizontally move a suspended load and which has a
14 manufacturer's maximum rated hoisting or lifting capacity exceeding
15 two thousand pounds, including, but not limited to: (A) Articulating
16 cranes such as knuckle-boom cranes, (B) crawler cranes, (C) floating
17 cranes, (D) cranes on barges, (E) locomotive cranes, (F) mobile cranes
18 such as wheel-mounted, rough terrain, all-terrain, commercial truck-
19 mounted and boom truck cranes, (G) multi-purpose machines when
20 configured to hoist and lower, by means of a winch or hook, and

21 horizontally move a suspended load, (H) industrial cranes such as
22 carry-deck cranes, (I) dedicated pile drivers when used in construction,
23 demolition or excavation work, (J) service or mechanic trucks with a
24 hoisting device, (K) cranes on monorails, (L) tower cranes such as fixed
25 jib hammerhead boom, luffing boom and self-erecting, (M) pedestal
26 cranes, (N) portal cranes, (O) overhead and gantry cranes, (P) straddle
27 cranes, (Q) side boom cranes, (R) derricks, and (S) variations of such
28 equipment; (4) "hoisting equipment", other than cranes, means
29 motorized equipment (A) used in construction, demolition or
30 excavation work, (B) at a construction site for a project, other than a
31 project involving residential structures of less than four stories, the
32 estimated cost of which is more than one million two hundred fifty
33 thousand dollars, and (C) which has a manufacturer's rated hoisting or
34 lifting capacity exceeding five tons and a manufacturer's rated
35 maximum reach in excess of thirty-two feet; (5) "department" means
36 the Department of Construction Services; and (6) "apprentice" means
37 [anyone registered with the board for the purpose of learning crane
38 operation or hoisting equipment operation] any person who is not
39 licensed under this chapter and whose employer has registered him or
40 her with the board to learn crane operations or hoisting equipment
41 operations under the direct supervision of a licensed operator in
42 accordance with section 9 of this act.

43 Sec. 2. (NEW) (*Effective October 1, 2012*) (a) Notwithstanding
44 subdivisions (3) and (4) of section 29-221 of the general statutes, as
45 amended by this act, the following items are excluded from the scope
46 of chapter 539 of the general statutes: (1) Automotive wreckers and
47 tow trucks including rotators registered as wreckers and operated by a
48 person, firm or corporation licensed as a motor vehicle dealer or
49 repairer in accordance with the provisions of subpart (D) of part III of
50 chapter 246 of the general statutes when used in such licensed
51 business, whose functions may include consensual or nonconsensual
52 vehicle recovery and load transfer and consensual or nonconsensual
53 towing and transportation of wrecked or disabled vehicles from the
54 point at which the accident occurred or the vehicle became disabled,

55 (2) digger derricks when used for augering holes for poles carrying
56 electric and telecommunication lines, placing and removing the poles
57 and handling associated materials to be installed on or removed from
58 the poles, (3) machinery originally designed as vehicle-mounted aerial
59 devices for lifting personnel and self-propelled elevating work
60 platforms, (4) telescopic or hydraulic gantry systems, (5) stacker
61 cranes, (6) powered industrial forklifts, except when configured to
62 hoist and lower, by means of a winch or hook, and horizontally move a
63 suspended load, (7) mechanic trucks with a hoisting device when used
64 in activities related to equipment maintenance and repair, (8)
65 machinery that hoists by using a come-a-long or chain fall, (9) gin
66 poles when used for the erection of communication towers, (10) anchor
67 handling or dredge-related operations with a vessel or barge using an
68 affixed A-frame, (11) roustabouts, (12) helicopter cranes, and (13)
69 propane service vehicles that are equipped with a crane to load or
70 offload Department of Transportation (DOT) approved propane tanks
71 or American Society of Mechanical Engineers (ASME) approved
72 propane tanks having a capacity of two thousand gallons or less.

73 (b) Articulating or knuckle-boom truck cranes that deliver material
74 to a construction site are excluded from the scope of chapter 539 of the
75 general statutes when used to (1) transfer materials from the truck
76 crane to the ground without arranging the materials in a particular
77 sequence for hoisting, or (2) transfer building supply sheet goods or
78 building supply packaged materials including, but not limited to,
79 sheets of sheetrock, sheets of plywood, bags of cement, sheets or
80 packages of roofing shingles and rolls of roofing felt from the truck
81 crane onto a structure, using a fork or cradle at the end of the boom,
82 but only when the truck crane is equipped with a properly functioning
83 automatic overload prevention device.

84 (c) The exclusion set forth in subsection (b) of this section does not
85 apply when (1) the articulating or knuckle-boom crane is used to hold,
86 support or stabilize the material to facilitate a construction activity,
87 such as holding material in place while it is attached to the structure,
88 (2) the material being handled by the articulating or knuckle-boom

89 crane is a prefabricated component including, but not limited to,
90 precast concrete members or panels, roof trusses, prefabricated
91 building sections such as floor panels, wall panels, roof panels, roof
92 structures or similar items, (3) the material being handled by the crane
93 is a structural steel member such as joists, beams, columns and steel
94 decking or a component of a systems-engineered metal building, or (4)
95 the activity is not otherwise excluded under subsection (b) of this
96 section.

97 Sec. 3. Section 29-222 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective October 1, 2012*):

99 There shall be in the Department of Construction Services an
100 Examining Board for Crane Operators consisting of five members who
101 shall be residents of this state. Members shall be appointed by the
102 Governor subject to the provisions of section 4-9a. One member shall
103 be an employee of the department, one member shall be a crane
104 operator having at least ten years of experience, one member shall
105 represent the interests of crane owners and two members shall be
106 public members. Members shall not be compensated for their services
107 but shall be reimbursed for necessary expenses in the performance of
108 their duties. A quorum of the board for the purpose of transacting
109 business shall exist only when there is present, in person, a majority of
110 its membership. Any member absent from (1) three consecutive
111 meetings of the board, or (2) fifty per cent of such meetings during any
112 calendar year shall be deemed to have resigned from the board.

113 Sec. 4. Section 29-223 of the general statutes is repealed and the
114 following is substituted in lieu thereof (*Effective October 1, 2012*):

115 (a) The board shall keep a record of its proceedings and a roster of
116 persons licensed or registered by it. The commissioner shall, with the
117 advice and assistance of the board, adopt regulations, in accordance
118 with chapter 54, for crane operators and hoisting equipment operators,
119 specifying qualifications for applicants for licensure, requirements for
120 examinations, procedures for issuance and renewal of licenses and

121 certificates of registration and examination and application fees
122 sufficient to meet the costs of administration of this chapter. The board
123 shall administer and establish passing grades for licensure
124 examinations. The board shall hold examinations at times and
125 locations determined by the board and shall give written notice to
126 applicants for examination of the time and place of examinations.
127 [Examinations may be written or practical or both.] An applicant for a
128 license shall be required to take both a written and practical
129 examination.

130 (b) The written examination shall determine whether the applicant
131 (1) knows the information necessary for the safe operation of the
132 specific type of crane or hoisting equipment that the applicant will
133 operate including (A) the controls and operational or performance
134 characteristics, (B) use of, and the ability to calculate, manually or with
135 a calculator, load or capacity information on a variety of configurations
136 of the equipment, (C) procedures for preventing and responding to
137 power line contact, (D) technical knowledge applicable to the specific
138 type of equipment the individual will operate concerning (i) site
139 information, (ii) operations, and (iii) load information, and (E)
140 technical knowledge applicable to site suitability, site hazards and site
141 access, and (2) is able to read and locate relevant information in the
142 equipment manual and other materials containing information
143 referred to in subdivision (1) of this subsection.

144 (c) The practical examination shall determine whether the applicant
145 has the skills necessary for safe operation of the crane or hoisting
146 equipment including (1) the ability to recognize, from visual and
147 auditory observation, all items required in a shift inspection, (2)
148 operational and maneuvering skills, (3) application of load chart
149 information, and (4) application of safe shutdown and securing
150 procedures.

151 (d) Any license, or renewal thereof, issued pursuant to this section
152 shall be valid for a period of two years from the date of issuance. Every
153 four years the licensee shall take and pass, prior to the issuance of a

154 license renewal, an examination developed by the board that is
155 designed to ensure that the licensee continues to meet the technical
156 knowledge and skills requirements set forth in subsections (b) and (c)
157 of this section.

158 [(b)] (e) The board shall adopt regulations, in accordance with the
159 provisions of chapter 54, establishing a safety code for the operation
160 and maintenance of cranes and hoisting equipment.

161 Sec. 5. Section 29-223a of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective October 1, 2012*):

163 (a) No person shall engage in, practice or offer to perform the work
164 of a hoisting equipment operator, except as provided in subsection (b)
165 [or (c)] of this section, who is not the holder of a valid crane operator's
166 license or hoisting equipment operator's license issued by the board.
167 Each licensed hoisting equipment operator shall carry his or her license
168 on his or her person when operating hoisting equipment. No person
169 may engage in, practice or perform the work of a hoisting equipment
170 operator apprentice unless he or she has obtained a certificate of
171 registration from the board. An apprentice's certificate may be issued
172 for the performance of work of a hoisting equipment operator for the
173 purpose of training, [which] provided such work may be performed
174 only under the direct supervision of a licensed hoisting equipment
175 operator and is in compliance with the provisions of section 9 of this
176 act.

177 (b) The provisions of this section shall not apply to: (1) [Any person
178 engaged in the occupation of hoisting equipment operator in the state
179 on October 1, 2003, provided such person shall be required to obtain a
180 license not later than one year of October 1, 2004, (2) engineers]
181 Engineers under the jurisdiction of the United States, [(3)] (2) engineers
182 or operators employed by public utilities or industrial manufacturing
183 plants, [(4)] (3) any person operating either a bucket truck or a digger
184 derrick designed and used for an electrical generation, electrical
185 transmission, electrical distribution, electrical catenary or electrical

186 signalization project, if such person: (A) Holds a valid limited electrical
187 line contractor or journeyman's license issued pursuant to chapter 393
188 or any regulation adopted pursuant to said chapter, or (B) has engaged
189 in the installation of electrical line work for more than one thousand
190 hours, or (C) has enrolled in or has graduated from a federally
191 recognized electrical apprenticeship program, [or (5)] (4) persons
192 engaged in boating, fishing, agriculture or arboriculture, or (5) persons
193 engaged in activities, or using equipment, excluded under section 2 of
194 this act.

195 [(c) On or after October 1, 2003, but not later than October 1, 2005,
196 the board shall issue a license for a hoisting equipment operator to any
197 person who provides a notarized statement from the person's
198 employer indicating the dates and duties of employment operating
199 such equipment or proof of ownership and control of a company
200 utilizing such equipment.]

201 Sec. 6. Section 29-224 of the general statutes is repealed and the
202 following is substituted in lieu thereof (*Effective October 1, 2012*):

203 (a) No person shall engage in, practice or offer to perform the work
204 of a crane operator, except as provided in subsection (b) of this section,
205 who is not the holder of a valid license issued by the board. Each
206 licensed crane operator shall carry his or her license on his or her
207 person when operating a crane. No person may engage in, practice or
208 perform the work of a crane operator apprentice unless he or she has
209 obtained a certificate of registration from the board. An apprentice's
210 certificate may be issued for the performance of work of a crane
211 operator for the purpose of training, [which] provided such work may
212 be performed only under the direct supervision of a licensed crane
213 operator and is in compliance with the provisions of section 9 of this
214 act. No crane owner may operate or permit the operation of any of his
215 or her cranes in this state unless he or she has obtained a certificate of
216 registration from the board. Nothing in this subsection shall be
217 construed to require a hoisting equipment owner to obtain a certificate
218 of registration from the board.

219 (b) The provisions of subsection (a) of this section shall not apply to:
220 (1) [Any person engaged in the occupation of crane operator in the
221 state on October 1, 1981, provided such person shall be required to
222 obtain a license within one year of October 1, 1981, (2) engineers]
223 Engineers under the jurisdiction of the United States, [(3)] (2) engineers
224 or operators employed by public utilities or industrial manufacturing
225 plants, [(4)] (3) any person operating either a bucket truck or a digger
226 derrick designed and used for an electrical generation, electrical
227 transmission, electrical distribution, electrical catenary or electrical
228 signalization project, if such person: (A) Holds a valid limited electrical
229 line contractor or journeyman's license issued pursuant to chapter 393
230 or any regulation adopted pursuant to said chapter, or (B) has engaged
231 in the installation of electrical line work for more than one thousand
232 hours, or (C) has enrolled in or has graduated from a federally
233 recognized electrical apprenticeship program, [or (5)] (4) persons
234 engaged in boating, fishing, agriculture or arboriculture, (5) persons
235 engaged in activities, or using equipment, excluded under section 2 of
236 this act, or (6) persons operating equipment that can hoist, lower and
237 horizontally move a suspended load and has a manufacturer's
238 maximum rated hoisting or lifting capacity exceeding two thousand
239 pounds but not exceeding ten thousand pounds who, pursuant to
240 federal Occupational Safety and Health Administration Standard
241 1926.1427, are (A) certified by an accredited crane operator testing
242 organization, (B) qualified by an audited employer program, (C)
243 qualified by the United States Military, or (D) licensed pursuant to this
244 chapter.

245 Sec. 7. Section 29-224a of the general statutes is repealed and the
246 following is substituted in lieu thereof (*Effective October 1, 2012*):

247 Each crane or hoisting equipment owner or operator shall
248 immediately report any accident involving a crane or hoisting
249 equipment he or she owns or operates to the board. Upon receipt of
250 any such report, the board may cause a full investigation and
251 inspection of such crane or hoisting equipment to determine the cause
252 of the accident and may take any action it deems appropriate if, after

253 notice and opportunity for hearing, it determines that a violation of
254 any provision of this chapter or any regulations adopted thereunder
255 exists.

256 Sec. 8. Section 29-224b of the general statutes is repealed and the
257 following is substituted in lieu thereof (*Effective October 1, 2012*):

258 The commissioner or any employee of the Department of
259 Construction Services, while engaged in the performance of his or her
260 duties, may enter at all reasonable hours into and upon any premises
261 in or on which a crane or hoisting equipment is located for the purpose
262 of carrying out the provisions of this chapter and the regulations
263 adopted thereunder.

264 Sec. 9. (NEW) (*Effective October 1, 2012*) (a) An apprentice shall be
265 permitted to operate a crane or hoisting equipment only where the
266 requirements of this section are met.

267 (b) The employer shall provide each apprentice with sufficient
268 training prior to operating the equipment to enable the apprentice to
269 operate the equipment safely under the limitations established by this
270 section, including continuous monitoring, and any additional
271 limitations established by the employer.

272 (c) The tasks performed by the apprentice while operating the
273 equipment shall be within the apprentice's ability.

274 (d) While operating the equipment, the apprentice shall be
275 continuously monitored by an individual who: (1) Is employed by, or
276 is an agent of, the apprentice's employer, (2) holds a valid crane
277 operator's or hoisting equipment license issued under chapter 539 of
278 the general statutes, (3) while monitoring the apprentice, performs no
279 tasks that detract from such individual's ability to monitor the
280 apprentice, (4) for equipment other than tower cranes, is in direct line
281 of sight of the apprentice and communicates orally or by hand signals
282 with the apprentice, and (5) for tower cranes, is in direct
283 communication with the apprentice.

284 (e) The individual monitoring the apprentice may take short breaks
285 provided (1) the break lasts no more than fifteen minutes and there is
286 no more than one break per hour, (2) prior to the break, the individual
287 informs the apprentice of the specific tasks the apprentice is to perform
288 and limitations to which the apprentice must adhere, and (3) the
289 specific tasks are within the apprentice's abilities.

290 (f) An apprentice shall not operate equipment in any of the
291 following circumstances: (1) If any part of the equipment, load line or
292 load, including rigging and lifting accessories, if operated up to the
293 equipment's maximum working radius, could get within twenty feet of
294 a power line that is three hundred fifty kilovolts or less or within fifty
295 feet of a power line that is over three hundred fifty kilovolts, (2) if the
296 equipment is used to hoist personnel, (3) in multiple equipment lifts,
297 (4) if the equipment is used over a shaft or cofferdam or in a tank farm,
298 and (5) in multiple-lift rigging operations, except where the individual
299 monitoring the apprentice determines that the apprentice's skills are
300 sufficient.

301 Sec. 10. Section 29-225 of the general statutes is repealed and the
302 following is substituted in lieu thereof (*Effective October 1, 2012*):

303 (a) The board may suspend or revoke a crane operator's license, a
304 hoisting equipment operator's license or an apprentice's certificate
305 after notice and hearing upon a finding that the holder has
306 demonstrated incompetence or has been guilty of negligence in the
307 performance of his or her work.

308 (b) The board may suspend or revoke a crane owner's registration
309 after notice and hearing upon a finding that the holder has failed to
310 properly maintain his or her crane or has permitted the operation of
311 his or her crane in an unsafe manner.

312 (c) The board may impose a civil penalty of not more than [one]
313 three thousand dollars on any crane or hoisting equipment owner or
314 operator who violates any provision of this chapter or any regulations
315 adopted thereunder.

316 (d) The board shall not renew a license or registration of any crane
317 or hoisting equipment owner or operator who has an unpaid civil
318 penalty until such time as such penalty is paid in full.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	29-221
Sec. 2	<i>October 1, 2012</i>	New section
Sec. 3	<i>October 1, 2012</i>	29-222
Sec. 4	<i>October 1, 2012</i>	29-223
Sec. 5	<i>October 1, 2012</i>	29-223a
Sec. 6	<i>October 1, 2012</i>	29-224
Sec. 7	<i>October 1, 2012</i>	29-224a
Sec. 8	<i>October 1, 2012</i>	29-224b
Sec. 9	<i>October 1, 2012</i>	New section
Sec. 10	<i>October 1, 2012</i>	29-225

Statement of Legislative Commissioners:

Section 2(a)(13) was rewritten for clarity.

PS *Joint Favorable Subst.*